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State

State of Pennsylvania.

In GENERAL ASSEMBLY,

Thursday, Feb. 19th, 1789. A. M.

The Bill, entituled "An ACT to incorporate the City of Philadelphia," was read the second Time, and considered by Paragraphs.

Ordered, That it be transcribed, and forthwith published for Consideration.

Extract from the Minutes,

PETER Z. LLOYD, Clerk of the General Assembly.

An ACT to incorporate the City of Philadelphia.

WHEREAS the intention of civil government is to provide for the order, safety and happiness of the people; and where the systems and regulations which in general are suitable and sufficient prove ineffectual or inconvenient, it is the duty of the Legislature to provide expedients to remedy the defects: AND WHEREAS the city of Philadelphia having become very populous, the administration of government therein is in its present form inadequate to the suppression of vice and immorality, to the advancement of the public health and order, and to the promotion of trade, industry, and happiness: AND WHEREAS it is necessary, in order to provide against the evils occasioned thereby, to invest the inhabitants of the said city with more speedy, vigorous, and effective powers of local government than are at present established.

Sect. 1. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same,* That the inhabitants of the city of Philadelphia, as the same extends and is laid out between the rivers Delaware and Schuylkill, be, and they and their successors for ever hereafter are hereby constituted a Corporation and Body Politic in fact and in law, by the name and style of "The Mayor, Aldermen, and Citizens of Philadelphia," and by the same name shall have perpetual succession, and they and their successors shall at all times for ever hereafter be able and capable in law to have, purchase, take, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors for ever, or for any other or less estate; and the same lands, tenements and hereditaments, goods, chattels and effects, to grant, bargain and sell, alien, convey, demise and dispose of.

Sect. 2. *And be it further enacted by the authority aforesaid,* That the said Corporation, by the name and style aforesaid, are, and for ever hereafter shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record and elsewhere in all manner of actions, suits, complaints,

complaints, pleas, causes and matters whatsoever; and to do and execute all and singular other matters and things that to them as a body politic and corporate in law and in fact shall and may appertain; and for that purpose shall have and use one common seal, and the same from time to time shall and may, at their will and pleasure, change and alter, deface and make anew.

Freeholders to elect
 Sect. 3. *And be it further enacted by the authority aforesaid,* That agreeably to the desire of a majority of the freeholders of the said city, expressed in their petitions to this House, it shall and may be lawful for the freeholders of the said city to meet together at the State-house in the said city, or at such other place therein as shall be appointed for holding of the elections of Representatives to serve in the General Assembly of this commonwealth, between the hours of ten and twelve of the clock in the forenoon, on the first *Tuesday* in

next, and on the first *Tuesday* in which will be in the year of our Lord one thousand seven hundred and ninety-six, and so on, on the first *Tuesday* in at the end of each and

at the end of every seven years
 every seven years for ever; and then and there to choose by ballot out of the inhabitants of the said city in the manner which now is, and, from time to time, shall be prescribed by the laws for choosing Representatives to serve in the said General Assembly suitable and proper persons to serve as Aldermen in and for the said city for the term of seven years.

Common Council to be elected by the freemen who are qualified to elect members of the General Assembly
 Sect. 4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the freemen of the said city who are, or shall be qualified, agreeably to the laws and constitution of this commonwealth, to vote for members to serve in the said General Assembly, to meet together, at the place aforesaid, between the hours of ten and twelve of the clock in the forenoon, on the second *Tuesday* in

next, and on the second *Tuesday* in which will be in the year of our Lord one thousand seven hundred and ninety two; and so on, on the second *Tuesday* in at the end of each and

for 3 years
 every three years for ever; and then and there to choose by ballot, out of the inhabitants of the said city, in manner aforesaid, suitable and proper persons, to serve as Common Council-men, in and for the said city, for the term of three years.

As a person who is in the election of Aldermen and Councilmen
 Sect. 5. *And be it further enacted by the authority aforesaid,* That the first, and all future and other election and elections, whether of Aldermen or of Common Council-men, to be had and held in pursuance of this act, shall be held and conducted by the same officers who shall have been duly chosen or appointed and authorized to hold, manage, and conduct the election of Representatives for the said city, to serve in the said General Assembly, at the general election next preceding every election to be held in pursuance of this act; and that the said Officers, and the Clerks who shall be employed at the said elections, and each and every of them shall severally take a solemn oath or affirmation before entering upon the duties in and by this act enjoined them, well and faithfully to discharge the same according to the best of their skill and abilities.

Sect. 6. *And be it further enacted by the authority aforesaid,* That all elections to be had and held in pursuance of this act, shall be held and conducted (except as to the qualifications of the voters for or electors of Aldermen, and the number of persons to be voted for, elected and chosen to serve as Aldermen and Common Council-men; and except also as in and by this act is otherwise directed) in the same and like manner as in and by the laws of this commonwealth is or shall be directed for the holding of the general elections for Representatives to serve in the said General Assembly, and under and subject to the same rules, regulations,

regulations, pains and penalties; and all and every person and persons who shall be concerned in holding or conducting of the said elections, or any of them, or who shall come to vote thereat, or be any wise concerned therein, are hereby enjoined and required to conduct and demean him and themselves accordingly.

Sect. 7. *And be it further enacted by the authority aforesaid,* That when each election to be had and held in pursuance of this act shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the judges of the said election, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names of each Alderman elect, or of each Common Council-man elect, as the case may be, with the number of votes in favor of each of them; and shall, within hours after the closing of each of the said elections, give notice in writing to each of the said Aldermen elect, or Common Council-men elect, of their respective elections to the office of Alderman or Common Council-man, as the case may be, and shall also deliver, or cause to be delivered, the said return to the said Aldermen elect, or Common Council-men elect, as the case may be, at the times and places in and by this act appointed for them respectively to meet and receive the same.

Sect. 8. *And be it further enacted by the authority aforesaid,* That the said Aldermen elect, or persons having the highest number of votes for the office of Alderman, shall meet together at the State-house, in the said city, between the hours of ten and twelve of the clock in the forenoon, on the next following each and every election of Aldermen to be held in pursuance of this act, and shall then and there receive the said returns of Aldermen elect, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose, and to the end and intent that this act, or the provisions herein contained, may not be evaded, the said Aldermen who shall be elected and returned as aforesaid, or a majority of them, shall be judges of their own elections, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections, as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed; of which they shall give at least days previous notice, in

Returns to be made to the Aldermen elect, who are to judge of their own elections.

or more of the public news-papers, printed in the said city.

Sect. 9. *And be it further enacted by the authority aforesaid,* That each and every Alderman who shall be elected, chosen and returned in manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation before his Excellency the President, or the Vice-President in Council, "well and faithfully to execute the office of Alderman of the said city;" and shall thereupon without any further or other commission be an Alderman of the said city, until the next general election of Aldermen to be held in pursuance of the directions of this act, and shall, during the time aforesaid, be vested with all the powers and jurisdictions of a Justice of Peace in and for the said city, and with such other powers and jurisdictions as in and by this act are given to any Alderman.

Aldermen to take an oath of office before the President or Vice-President in Council.

Sect. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Aldermen of the said city, or a majority of them, to elect and choose by ballot every year, or oftener, if a vacancy shall happen, by death, resignation, removal from office, or from the city, one of their own number, who shall be Mayor of the said city for the ensuing year, if the time for which he shall have been elected and chosen as Alderman shall so long continue; and the said Mayor, or person who shall be so as aforesaid chosen for that purpose, shall be presented to

Aldermen may elect to choose one of their own body for Mayor.

to his Excellency the President, or the Vice-President in Council, and shall then and there take a solemn oath or affirmation "well and faithfully to execute the office of Mayor of the said city," and shall thereupon enter upon and perform the duties of the said office without any further or other commission.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Mayor and Aldermen, or a majority of them, to elect and choose by ballot, out of the freemen and inhabitants of the said city, a Recorder of the said city, who shall hold the said office, and be vested with all the powers and jurisdictions thereof, and with all the powers and jurisdictions of a Justice of the Peace within the said city, for the term of seven years; and with all such other powers and jurisdictions as are in and by this act given to any Recorder or Justice of the Peace in, of, or for the said city; and the same office of Recorder shall fill and supply in manner aforesaid as often as a vacancy shall happen therein, in manner aforesaid; and the said Recorder, or person who shall be so as aforesaid chosen for that purpose, shall, before he enters upon the duties of the said office, or upon any other duty in pursuance of this act, take a solemn oath or affirmation before the Mayor of the said city for the time being, "well and faithfully to execute and perform the office of Recorder of the said city;" and shall thereupon enter upon the duties thereof without any further or other commission.

SECT. 12. *Provided nevertheless,* That each and every Mayor, Recorder or Alderman who shall be elected, chosen or appointed in pursuance of this act, and who shall misdeemean himself in office, shall be liable to be impeached by the General Assembly before the President or Vice-President and Council, and shall be removeable for misconduct in office by the said General Assembly.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the said Common Council-men elect; or persons having the highest number of votes for the office of Common Council-men, shall meet together at the State-house, in the said city, between the hours of ten and twelve of the clock in the forenoon, on the next following each and every election of Common Council-men, to be held in pursuance of this act; and shall then and there receive the said returns of Common Council-men elect, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose, and to the end and intent that this act, or the provisions herein contained may not be ineffectual, the said Common Council-men who shall be elected and returned as aforesaid, or a majority of them, shall be judges of their own elections, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections, as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed; of which they shall give at least _____ days previous notice in _____ or more of the public news-papers, printed in the said city.

SECT. 14. *And be it further enacted by the authority aforesaid,* That each and every Common Council-man who shall be elected, chosen and returned in manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation before the Mayor of the said city for the time being, "well and faithfully to execute the office of a Common Council-man of the said city," and shall thereupon without any further or other commission enter upon the duties thereof, and shall hold and exercise the same until the next general election of Common Council-men, to be held in pursuance of this act.

SECT.

Sect. 15. And in order that the said Common Council-men may, at all times, consist of those who are not only able and capable to perform the duties thereof, but of such as shall be mindful of and attentive to the said duties, and in order also to avoid an entire dependence, which might not be politically just and expedient, of any such Common Council-man, either on the body of which he may be a member, or on that of the Aldermen, *Be it further enacted by the authority aforesaid,* That if any common Council-man shall misbehave himself in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for the Mayor or Recorder, Aldermen and Common Council-men, or a majority of the Aldermen and also of the Common Council-men, if the said Mayor or Recorder, and two thirds of the Aldermen, and also two thirds of the Common Council-men who shall be present, shall agree thereto, on the petition and complaint in writing of

freeholders of the said city, and of freemen of the said city, who shall not be freeholders, but who shall nevertheless be qualified, in manner aforesaid, to vote for Common Council-men; to remove, in a summary way, any such Common Council-man from his said office; *provided nevertheless,* That the said petition and complaint in writing shall fully and minutely state all the causes assigned for such removal, and no other cause whatever shall be assigned, heard or enquired into; and *provided also,* That a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such Common Council-man, at least days before any such hearing or enquiring shall take place.

Sect. 16. And be it further enacted by the authority aforesaid, That the Mayor, Recorder, Aldermen and Common Council-men, in Common Council assembled, shall have full power and authority to make, ordain, constitute and establish such, and so many laws, ordinances, regulations and constitutions, (provided the same shall not be repugnant to the laws and constitution of this commonwealth) as shall be necessary or convenient for the government and welfare of the said city; and the same to enforce, put in use and execution, by the proper officers; and at their pleasure to revoke, alter and make anew, as occasion may require: And in order that a knowledge of the said laws, ordinances, regulations and constitutions, may at all times be had and obtained, *It is hereby further enacted and declared by the authority aforesaid,* That such and so many of them as shall not be published in or more of the public news-papers published in the said city, within days from and after their being severally passed, ordained and established, and also recorded in the office

within days from and after their being so as aforesaid passed, ordained and established, shall be null and void: And in order that the publications thereof may, at all times, be known and ascertained, *It is further enacted and declared by the authority aforesaid,* That before any of the said laws, ordinances, regulations or constitutions shall be so as aforesaid recorded, the publications thereof respectively, with the times thereof, shall be proved by the oath or solemn affirmation of some credible person; which said oath or affirmation shall be also recorded, and, at all times, be deemed and taken as sufficient evidence of the time of such publication.

Sect. 17. And be it further enacted by the authority aforesaid, That the Mayor, Recorder and Aldermen of the said city, for the time being, shall severally and respectively have all the jurisdictions, powers and authorities of Justices of the Peace, and Justices of Oyer and Terminer

*Mayor & Recorder & Aldermen & Common Council-men to be sworn in 1793 & 1794
in the presence of the Mayor & Recorder & Aldermen & Common Council-men
in the presence of the Mayor & Recorder & Aldermen & Common Council-men
in the presence of the Mayor & Recorder & Aldermen & Common Council-men*

*By the Mayor & Recorder & Aldermen & Common Council-men
in the presence of the Mayor & Recorder & Aldermen & Common Council-men*

*By the Mayor & Recorder & Aldermen & Common Council-men
in the presence of the Mayor & Recorder & Aldermen & Common Council-men*

ner and Goal Delivery, of and for the said city, and shall act therein accordingly, jointly or severally, as fully and amply as any Justice or Justices of the Peace, or of Oyer and Terminer or Goal Delivery, of or for any county within this commonwealth, may or can do in or for such county.

Sect. 18. *And be it further enacted by the authority aforesaid*, That the said Mayor, Recorder and Aldermen, or any four or more of them, (whereof the Mayor or Recorder, for the time being, shall be one) shall have full power and authority, and they are hereby vested with full power and authority, to enquire of, hear, try and determine, agreeably to the laws and constitution of this commonwealth, all larcenies, forgeries, perjuries, assaults and batteries, riots routs and unlawful assemblies, and all other offences which have been committed, or shall be committed within the said city, which would be cognizable in any County Court of General Quarter Sessions of the Peace, of or for any county within this commonwealth, had the same offences, or any of them, been committed within any such county, and to punish all persons who shall be convicted of the same offences, or any of them, agreeably to the laws of this commonwealth; and also to enquire of, hear, try and determine all offences which shall be committed within the said city, against any of the laws, ordinances, regulations or constitutions that shall be made, ordained or established in pursuance of this act; and to punish the offender and offenders as by the said laws, ordinances, regulations or constitutions, shall be prescribed or directed; and also to impose fines on Jurymen and others, according to law, and to levy the same; and to award process, take recognizances for keeping of the peace, for being of good behaviour, and for appearance or otherwise; or commit to prison, as occasion shall lawfully require, without being accountable to the commonwealth for any fines or amercements to be imposed for the said offences, or any of them; and generally to do all such matters and things within the said city, as any Court of General Quarter Sessions of the Peace, Oyer and Terminer and Goal Delivery, of and for any county within this commonwealth, may or can do within any such county: And to the ends and intents, and for the purposes aforesaid, and for such other ends, intents and purposes, as are in and by this act declared or mentioned, the said Mayor, Recorder and Aldermen, or any four of them, (whereof the Mayor or Recorder, for the time being, shall be one) shall have full power and authority, and they are hereby vested with full power and authority, to hold and keep a Court of Record within the said city, four times in each year, by the name, style and title of "The Mayor's Court for the city of Philadelphia," for the enquiring, hearing, trying and determining of the pleas and matters aforesaid; and for the punishing of those who shall be found guilty thereof, and for the causing of all encroachments in the streets of the said city, and all nuisances to be removed, and for the punishing of the offenders as the law and usage shall in such case require, and for the doing and performing of all such other matters and things as are in and by this act made cognizable in the said Court.

Sect. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall find him, her or themselves aggrieved by any judgment of the said Court of Record, it shall and may be lawful for the party or parties so aggrieved, to sue out and obtain his, her or their writ or writs of error, which shall be granted of course in like manner as other writs of error are granted, and made returnable in the Supreme Court of this commonwealth, and shall be proceeded in under the same rules and regulations.

Provided always, That when any writ of error shall be granted upon any judgment to be given in the said Court of Record, the said Mayor,

Mayor's court to
be held 4 times
a year -

Person aggrieved
may bring writs
of error

Mayor, Recorder and Aldermen, or their successors, shall not be compelled to remove, send or certify, into the said Supreme Court, or elsewhere, any of the indictments or presentments, but only the tenors or transcripts thereof, and of the records touching and concerning the same, and of the proceedings thereon, under their common seal; and after such judgments shall be reversed or affirmed, it shall and may be lawful for the said Recorder and Aldermen, and their successors, to proceed to execution or otherwise, as shall according to law appertain.

Sec. 20. And to the end and intent that such persons indicted or outlawed for felonies or other offences supposed by such indictments or outlawries, to have been committed within the said city, as shall dwell, remove, lurk or be received without the bounds and limits of the said city, may be brought to justice, *Be it further enacted by the authority aforesaid,* That the Mayor or Recorder of the said city, for the time being, shall and may, as often as occasion may require, issue his writ or writs of capias to the Sheriff or Sheriffs of any county or counties within this commonwealth directed, commanding him or them to take and bring the body or bodies of any such person or persons as shall be so as aforesaid indicted or outlawed, before him the said Mayor or Recorder, or either of them, to be dealt with according to law; and if any Sheriff or Sheriffs, to whom any such writ or writs of capias shall be directed and delivered, shall refuse or neglect to use due diligence to execute the same, he and they shall severally forfeit and pay to the Mayor, Aldermen and citizens aforesaid, the sum of

to be by them sued for and recovered in any court of record within this commonwealth or elsewhere: And to the further end and intent that there may not be a failure of justice within the said city, by reason of any person or persons who may be charged with having committed any offence or offences therein, lurking, or being in secret or other places in the neighbourhood thereof, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Constable or Constables of the said city to whom any warrant under the hands and seals of the said Mayor, Recorder and Aldermen; or any of them, shall be delivered, commanding him or them to take any person or persons who shall have been charged with having committed any offence within the said city, and to bring him or them before the said Mayor, Recorder and Aldermen, or any of them, to execute the same, by making of the arrest, if the same can be done at any place within miles of the said city, and also by bringing such offender

or offenders before the said Mayor, Recorder and Aldermen, or some of them: And to the further end and intent that there may not be a failure of justice within the said city, by reason of any witness or witnesses residing or being without the bounds or limits thereof, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any of them, before whom any complaint, indictment, plea, matter or thing of a criminal or civil nature, within his or their jurisdiction, shall be made or depending, to issue his or their subpoena to any person or persons within this commonwealth, commanding him or them to appear and give evidence therein; and that every person to whom the same shall be directed, and on whom service thereof shall be duly made, shall (provided the reasonable expences of attendance shall have been first paid or tendered) attend accordingly, and give evidence under the penalty of forfeiting any sum not exceeding to be recovered in any Court of Record, in an action upon the case, by any person who will sue or prosecute for the same.

Sec. 21. And to the end and intent that the administration of justice within the said city, in matters of a civil nature, in and by this act made

made cognizable before the said Aldermen, or any of them, may be free from extortion or undue oppression; and also be as effectually as may be secured against errors happening therein, *Be it further enacted by the authority aforesaid,* That one other Court shall be, and is hereby established, within the said city, by the name, style and title of "The Aldermen's Court," and shall consist of three of the Aldermen of the said city, for the time being, (any two of whom shall be a quorum) to be chosen and appointed for that purpose by the Mayor and Recorder four times in each year, or oftener, if they shall think proper; which said "Aldermen's Court" shall meet on the forenoon of the *Monday* in each and every week, and shall sit, from day to day, during so many days of each week, and so much of the said days as shall be necessary for the issuing of the necessary process of summons, capias, attachment, subpœna or executions, as the case may require, and for the hearing and determining of all the matters and things in and by this act made cognizable therein; and the said "Aldermen's Court" shall have cognizance of, and full power and authority to hear, try and determine, in a summary way, all such causes, matters and things within the said city, as are by law cognizable before any one Justice of the Peace within this state, where the debt or demand amounts to Forty Shillings, and does not exceed Ten Pounds, in like manner, and with the like powers and authorities, and under and subject to the like regulations, restrictions and exceptions; and to the like relief for insolvent debtors; and to the like means, process, execution and stay thereof; and to the like appeal, as in cases of debts or demands, of Forty Shillings or upwards, and not exceeding Ten Pounds, before any one Justice as aforesaid.

Sect. 22 *Provided nevertheless,* That it shall and may be lawful for each and every of the said three or more Aldermen, who shall, for the time being, constitute or be a member of the Court hereby established, by the name and title of "Aldermen's Court," to issue forth, under his hand and seal, any warrant or warrants of summons, capias or attachment, as the case may require, returnable into the same Court, and also such and so many subpœnaes as may be needful and necessary; all of which shall be of the like force and effect, and be obeyed in like manner, and under the same pains and penalties with any warrants or subpœnaes of a like nature, issued by any Justice of the Peace within this commonwealth, in any matter within the jurisdiction of any such Justice.

Sect. 23. *And be it further enacted by the authority aforesaid,* That no greater or other fees or costs shall be taxed, allowed or taken, in or for any matter or thing in and by this act made cognizable in the said Aldermen's Court; than the following ones, *to wit,*

For every warrant of summons, capias, attachment or execution, Eighteen-pence; and for every judgment, Eighteen-pence; and such other fees and costs as are allowed and granted in and by an act of the General Assembly of the late province of *Pennsylvania*, entitled "An act for regulating and establishing fees," in matters cognizable before any one Justice of the Peace.

Sect. 24. *And be it further enacted by the authority aforesaid,* That the Mayor of the said city, for the time being, and each and every Alderman thereof, shall have cognizance of, and hear and determine; in a summary way, all such matters and things within the said city, where the debt or demand shall not amount to Forty Shillings, as are by law cognizable before any one Justice of the Peace, in any county within this commonwealth, and shall issue the like process in nature of a summons, capias or attachment, as the case may require; and shall proceed therein in like manner for the like fees or costs, and with the like powers and authorities, and under and subject to the like rules, regulations

Mayor & Recorder
to appoint 4 times
a year at least 3 of
the Aldermen to be
his and his court
const. to sit weekly
in the said court

The Mayor & Recorder
to sit in the said court

The fees of the
Aldermen's Court

Mayor & Recorder
to sit in the said court
to sit in the said court
to sit in the said court

lations and restrictions, and to the like relief for insolvent debtors, and to the like means, process and execution, as in cases of debt or other demand under Forty Shillings, before any Justice of the Peace within this commonwealth.

SECT. 25. *Provided nevertheless*, That if any person or persons shall find him, her or themselves aggrieved by any judgment or judgments of any such Mayor or Alderman in any such debt or demand under Forty Shillings, it shall and may be lawful for him, her or them, who shall be so aggrieved, to appeal, at any time within six days, from any such judgment or judgments, to the Aldermens Court in and by this act established, where the said appeal shall, with all convenient speed, be heard and finally determined, and execution be awarded in the manner herein before directed, and for the like costs; and *provided further*, That before any such appeal shall be allowed or admitted by the said Aldermens Court, sufficient security, ^{in nature of special bail}, shall be entered in the same Court by the person or persons so appealing; (if he, she or they shall not be a freeholder or freeholders, ^{to procure the same} and *provided further*, That before the said appeal shall be determined or heard, notice, in writing, of every such appeal shall be given to the adverse party.

SECT. 26. *And be it further enacted by the authority aforesaid*, That so much of each and every act and acts of General Assembly of this commonwealth, heretofore made or enacted, as directs, authorizes or regulates the electing, choosing, nominating, commissioning or appointing of any Justice or Justices of the Peace, in, of or for the said city of Philadelphia, or any ward or wards, district or districts therein; and also so much of each and every act and acts of General Assembly; as directs, authorizes or empowers any Justice or Justices of the Peace, jointly or severally, either by themselves, or collectively with any other person or persons, to take cognizance of, or to direct, do or perform any matter or thing whatsoever, within the said city, either of a criminal or civil nature, or otherwise; and also so much of each and every act and acts of General Assembly as directs, authorizes or empowers the nominating, choosing, appointing or commissioning of any person or persons to hold a City Court or Courts in or for the said city, or as directs, authorizes or empowers any such person or persons, to hold any such Court or Courts, or to take cognizance of, hear, try or determine any matter or thing therein, be, and they, and each and every of them, are hereby severally and respectively repealed, and made null and void.

SECT. 27. *And be it further enacted by the authority aforesaid*, That all recognizances which have been taken by any Justice or Justices of the Peace, for the appearance of any person or persons in or at the said City Court, or before the Justices or Judges thereof, and which have not been certified and returned into the said City Court, or to the Justices or Judges thereof, shall be returned and certified, by the said Justices respectively who have taken the same, to the said Mayor, Recorder and Aldermen, at the next Mayor's Court, to be had and held in pursuance of this act: And that all persons who have been so as aforesaid bound by recognizance or by recognizances entered into in the said City Court, to appear at or in the said City Court, or before the Justices or Judges thereof, shall appear before the said Mayor, Recorder and Aldermen, at the next Mayor's Court, to be had and held in pursuance of this act, and the same shall be a sufficient discharge of every such recognizance; and in default of such appearance, every such recognizance, and also the recognizance or recognizances of his, her or their surety or sureties, shall be forfeited and sued for, and recovered in such manner as the law directs.

SECT. 28. *And be it further enacted by the authority aforesaid*, That the Judges of the said City Court shall, and they are hereby enjoined and required

required to deliver, or cause to be delivered, to the said Mayor, Recorder and Aldermen, at the next Mayor's Court, to be had and held in pursuance of this act, all recognizances for appearance, which have been taken before them, and which have not been discharged by appearance or otherwise; and also all indictments and presentments which have been found or made before them, and which are still pending or undetermined; and also all papers and records, duly certified, of all such matters and things as have been begun in the said City Court, and as remain unfinished: And the said Mayor, Recorder and Aldermen, or any four of them, (whereof the Mayor or Recorder, for the time being, shall be one) shall proceed therein, as to law and justice shall appertain.

Sect. 29. *And be it further enacted by the authority aforesaid,* That so much of all and every act and acts of General Assembly as directs, authorizes or requires any matters or things to be done and performed by the City Wardens; or by the Commissioners for paving and cleansing the streets of the said city, or by all or any of them, shall, from and after the day of next, be null and void, and the said officers shall no longer continue in office, nor shall any new appointment of such officers be made under any former law or act of Assembly.

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Sect. 30. *And be it further enacted by the authority aforesaid,* That the Mayor, Recorder, Aldermen and Common Council-men shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons for that purpose to be by them appointed, to do, perform and execute all such matters and things as the said Wardens and Street Commissioners were, at and immediately before the passing of this act, respectively authorized or enabled by law to do.

Sect. 31. *And be it further enacted by the authority aforesaid,* That the Mayor or Recorder, and four of the Aldermen shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons to be by them for that purpose appointed, to do, perform and execute all such matters and things as the said Wardens and Commissioners respectively were, at and immediately before the passing of this act, authorized or enabled by law to do and perform in conjunction with the City Magistrates, or any of them.

Sect. 32. *And be it further enacted by the authority aforesaid,* That the said Mayor or Recorder, and four of the Aldermen shall be, and they are hereby authorized and empowered to do and perform, in conjunction with the City Assessors, all such matters and things as the said Wardens and Commissioners were, at and immediately before the passing of this act, by law authorized to do and perform, in conjunction with the said Assessors, and for the several purposes aforesaid, it shall and may be lawful for the said Mayor, Recorder, Aldermen and Common Council-men, in Common Council assembled, to make and establish such ordinances, regulations and provisions concerning the same, as by them shall be deemed necessary and expedient; and also to allow and make such rewards and compensation to the several officers of the said Corporation, and persons to be employed in the service thereof, as shall be just and reasonable.

Sect. 33. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Mayor of the said City to nominate and, from time to time, to appoint a Clerk of the Market, who shall have assize of bread, wine, beef, wood and other things within the said city, and shall do and perform all things belonging to the office of Clerk of the Market within the said city.

Sect. 34. *And be it further enacted by the authority aforesaid,* That for the well governing of the said city, and the ordering of the affairs thereof, there shall be such other officers therein, and at such salaries or other compensation as the Mayor, Recorder, Aldermen and Common

mon Council-men, in Common Council assembled, shall direct: Each and every of which said officer and officers shall nevertheless, before entering on the duties of his office, take a solemn oath or affirmation before the Mayor of the said city, for the time being, well and faithfully to perform and execute the same.

Sect. 35. *And be it further enacted by the authority aforesaid,* That all the rights of the late Corporation, known by the name of The Mayor and Commonalty of *Philadelphia*, in the Province of *Pennsylvania*, in and to all lands, tenements, hereditaments, ferries, wharfs, markets, stalls, landings and landing-places, goods, chattels, monies and effects whatsoever; and also all lands, tenements and hereditaments, rights, franchises, liberties, privileges, goods, chattels, monies and effects whereof any person or persons, or bodies politic or corporate are seised or possessed; or which they, or any of them, hold or enjoy in trust for, or to and for the use of the citizens of the city of *Philadelphia*; or which the said citizens are in any wise entitled to, be, and they are hereby severally and respectively vested in the said Corporation, or Body Politic of the City of *Philadelphia*, and their successors, in and by this act established by the name, style and title aforesaid, to and for the use and benefit of the said citizens and their successors for ever; saving nevertheless to all and every person and persons, and bodies politic and corporate, his, her and their just rights therein.

Sect. 36. And to the end and intent that all and singular the estate and estates, rights, privileges and interests aforesaid, may be had and received by the said Mayor, Aldermen and Common Council-men, and be by them and their successors faithfully applied to and for the use of the said citizens, and their successors for ever, *Be it further enacted by the authority aforesaid,* That all and every person and persons, and bodies politic and corporate, who are or shall be seised or possessed of the same, or of any part thereof, shall, on reasonable request, deliver the same to the said Mayor, Aldermen, and Common Council-men, together with all deeds, writings, evidences, books and papers touching and concerning the same, with proper assignments, where the same shall be necessary; and just, true and fair accounts thereof; and whoever shall fail herein shall be liable to be sued for the same, and shall moreover forfeit and pay to the said Mayor, Aldermen and citizens, any sum of money not exceeding to be sued for and recovered in any Court of Record.

Sect. 37. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Mayor or Recorder, for the time being, from time to time, as often as they, or either of them, shall see occasion, to summon a Common Council; and that no assembly or meeting shall be deemed or accounted a Common Council, unless the Mayor or Recorder, and at least of the Aldermen, and of the Common-Council-men shall be present.

Sect. 38. *And be it further enacted by the authority aforesaid,* That the said Mayor, Aldermen and Common Council-men shall, once in every year, cause to be published, a just and true account of all the monies which shall have accrued to them, in their corporate capacity, during the year next preceding such publication, and also of the disposition thereof; and shall also lay a copy thereof before the General Assembly.

Sect. 39. *And be it further enacted by the authority aforesaid,* That as often as any doubts shall arise touching this act, the same shall, in all courts of law and equity, and elsewhere, be construed and taken most favourably for the said Corporation.

Authorizing the City of
Philadelphia, Pa.

Respectfully Submitted,
[Signature]



